THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.7006 of 2006

Dt.10.4.2006

Between:

Chandrasekhar Awasti and another ...
Petitioners

And

The Commissioner, M.C.H.,
Hyderabad and 4 others
...
Respondents

ORDER:

The case of the petitioners is that they are the rightful owners of the premises bearing No.15-4-130 admeasuring 220 sq.yards situated at Osmanshahi, Hyderabad. It is stated that respondents 4 and 5 obtained some sale deeds from the tenants of the petitioners and claiming the ownership. It is stated that O.S.Nos.974 and 976 of 2000 filed for cancellation of the said sale deeds and O.S.Nos.1407 and 1408 of 2003 on the file of the VIII Senior Civil Judge, City Civil Court, Hyderabad, to declare the right, title and ownership of the said property are pending. It is stated that during the pendency of the said suits, respondents 4 and 5 demolished the old structures and started unauthorized constructions without obtaining permission of the respondent-Corporation. Therefore, the petitioners have made a representation before respondents 1 to 3 on 20.3.2006 to demolish the property bearing No.15-4-130, total admeasuring 220 sq.yards situated at Osmanshahi on which respondents 4 and 5

started making illegal construction without permission. But the same is not considered and disposed by respondents 1 to 3. Hence the present writ petition.

Heard the learned counsel for the petitioners and the learned Standing Counsel on behalf of respondents 1 to 3.

I am of the opinion that respondents 1 to 3 have no right or authority to decide the title over the said property. However, if respondents 4 and 5 or anybody constructed any building without obtaining permission unauthorisedly, it is for them to take appropriate action. Having regard to the facts and circumstances of the case, the 3rd respondent is directed to consider and dispose of the said representation of the petitioners' dt.20.3.2006 after giving reasonable opportunity to the petitioners as well as respondents 4 and 5 and pass appropriate orders in accordance with law.

The writ petition is disposed of accordingly. No costs.

V.ESWARAIAH, J.

10.4.2006

Note: Issue copy within three days

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